

CITY OF NEWBERG COUNCIL MINUTES
FEBRUARY 21, 2012
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)

A work session was held prior to the meeting. A briefing was given from the City Manager on Bypass funding and a discussion lead by the Legal department on a possible levy for the Newberg-Dundee Dispatch Center. All Councilors and the Mayor were present; no action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:01 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Stephen McKinney	Bart Rierson
	Marc Shelton	Wade Witherspoon	Ryan Howard	(arrived at 6:13 PM)

Staff

Present:	Daniel Danicic, City Manager	Dawn Wilson, Senior Paralegal
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
	David Beam, Economic Development Coordinator	Jennifer Nelson, Deputy City Recorder

Others

Present: Robert Soppe, Ralph E. Johnson, Doug Bartlett, Charlie Harris, Rick Rogers, and Hank Grum

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, offered any Council member wishing to ride-a-long with a police officer to contact himself or the chief of police to make arrangements. He spoke of the installation of radio read water meters allowing reads to be conducted from a single truck rather than having someone physically go to every meter and said the public works department will be coming to present the new technology to the Council in April. He gave a reminder Representative Suzanne Bonamici's Town Hall will be held in the Public Safety Building (PSB) tomorrow night. The Budget Committee will meet next Tuesday, February 28, 2012, at 7:00 PM with a brief overview of the role of the committee, how things look now, and future concerns; the hard work on the budget begins in April.

V. PUBLIC COMMENTS

Mr. Robert Soppe thanked the chief of police for having a conversation with George Fox University regarding his previous concerns with parking citations. He provided commentary on discussions from the previous Council meeting regarding the McClure property saying although he was involved in the original agreement and he agreed there were many details of their plans he liked, he was concerned with some of the remarks made by the Council. He disagreed with Councilor Stephen McKinney's comments that this was in the best interest of everyone. He felt the original agreement was for the best because it supported development taking place without wells and septic and allowed for city services. He spoke of other comments by Councilor McKinney about people no longer able to develop a piece of property the way they want and expressed concern about the term "highest and best". He also warned Councilor McKinney to be careful of comments about the governor

and the rights the people of Oregon gave to him to make these decisions. He noted Councilor Marc Shelton's quotes about the 14th amendment being violated left off the part about "due process" and stated just because the outcome is not as they hoped, it does not mean there was not due process; he cautioned him about referencing The Declaration of Independence as well. He also spoke about Mayor Andrews saying this is a government of the people and the Council is the closest they are going to get to the people because he argued getting a legal vote of the electorate would be closer.

Councilor Bart Rierson said he agreed with some of what Mr. Soppe said this evening about due process but also expressed there is frustration because there seems to be some abuse of this process by special interest groups constantly appealing the decisions to just make it difficult. He said there are groups with funding and a full understanding of the LUBA process who know how to draw it out and circumvent decisions. He said he appreciates Mr. Soppe's summary although it may not have been accurate. Mr. Soppe agreed he does not like legislation by endurance either, but he did not think that was the case here, although he admits he is no legal expert.

Mr. Ralph Johnson discussed some of the issues he is having with his property on Chehalem Drive and his Measure 37 claim. He is one of three other people, along with the McClures, who have been going to the circuit court; one member of this group has been lucky and is now building homes while the rest of them are still waiting on the remand to the appellate court. He said he understands the McClure's hesitance to go on because they did not have much work onsite, but he has all but ten septic tanks on forty-one lots and are vested by about \$1,200,000.00 for lots they cannot sell or build on or do anything with. He just wished to share with the Council the kind of predicament people are in with this vested situation (see official meeting packet for written testimony).

Councilor McKinney asked how long this has been going on for him. Mr. Johnson said he applied right after the government validated Measure 37 in February of 2005 and he has at least two to three more years to go.

Councilor Shelton asked approximately how much the litigation has cost him. Mr. Johnson replied over \$100,000.00 and the improvements for vesting about \$1.2 million since the time this was activated. Councilor Shelton added it was good to have him give an example of his situation after discussions tonight; he said it is one thing for the City to fight using tax payer dollars, but it is another thing for an individual. Mr. Johnson added that his neighbor is using the 1,000 Friends of Oregon attorneys and he wondered about the process due to them; he said he has no choice other than to fight but it is very discouraging and he is not sure how much longer he can last.

Councilor McKinney spoke about a letter from Mr. Chuck McClure that will be in the newspaper tomorrow addressing some misperceptions with vesting. He spoke about the strategy of special interest groups to out-live or out-spend people in litigation without thinking about the public's interest. He said he is most distressed about the land use laws and their endorsement by everyone because Oregon is the only state that tried to do this and others were smart enough to recognize a bad idea. He told Mr. Johnson he was sorry for his troubles and grief and he did not see how putting citizens through this was in the public's best interest; he wished him heartfelt hope for a better future.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2012-2987** approving the annual evaluation of Municipal Judge Larry Blake, Jr.
2. Consider a motion approving **Resolution No. 2012-2989** reappointing Municipal Judge Larry Blake, Jr., and approving a contract for an indefinite period.
3. Consider a motion approving the January 17, 2012, City Council meeting minutes.

MOTION: Shelton/Bacon approving the Consent Calendar including **Resolution No. 2012-2987, Resolution No. 2012-2989**, and the City Council minutes from January 17, 2012, as presented. Motion carried (7 Yes/0 No).

VII. PUBLIC HEARINGS

Consider a motion approving **Ordinance No. 2012-2749** establishing a Newberg Affordable Housing Trust Fund.

TIME – 7:25 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared. Staff spoke about this being a first reading and deliberations would be held until the next meeting unless Council moved to accept it this evening.

Mr. David Beam, Economic Development Coordinator, presented the staff report (see official meeting packet for full report).

Councilor Ryan Howard asked about the funding mechanisms in the affordable housing action plan and wished to clarify they were not enacting any of those funding methods with this, but leaving that to the future; he wanted to make sure they were not bound by any of the funding sources in this plan. Staff replied this was correct.

Councilor Wade Witherspoon asked for an explanation of the voluntary in lieu of funding source. Staff spoke of previous proposed code changes brought to Council with the flexible development track which would provide flexibility in building standards if a developer provided affordable housing assistance; one of those options is to provide funding towards another affordable housing project in the future.

Mayor Andrews discussed references in the proposed recitals to very low, low and moderate incomes as well as working people. He asked staff to explain how this fits in with funding assistance vs. subsidy. Mr. Beam replied he was unsure if there was a distinction between subsidy and assistance. He continued by saying the vision of funding is as a leverage piece and there would be a leveraging of other resources the person requesting the funding has to make to be a feasible project. Mayor Andrews asked what is the median income. Staff replied that although Newberg is considered part of the Portland Metropolitan Statistical Area (MSA), which has defined the median at \$67,000.00, the proposal in the bylaws has the planning director defining what is the most appropriate number. The median for Newberg may or may not be what the MSA numbers are since it is a rural area and the metro numbers may be high.

Councilor Shelton asked why we would not use the Yamhill County numbers given by the Housing Authority. Staff said they are not saying we would not use those numbers, just that it would be the decision of the planning director to look at the different sources and determine which is most appropriate for our community.

Mayor Andrews opened the public testimony and called for proponents of the ordinance first.

Mr. Doug Bartlett said he is not a resident of Newberg but has been a part the Newberg Affordable Housing Ad-hoc Committee and followed this group with interest. He said affordable housing would not fall under the highest and best use of land use and felt this was an interesting juxtaposition to the earlier discussions tonight. He said nobody, if they only sought the highest and best, would ever build housing that would be affordable for the low income people of the community so there is always a need to find ways to assist in providing that. Those experimenting with an Affordable Housing Trust Fund have developed a resource and a way to use it in the best way. They are way down the road in taking community action to support those not able to have

housing by commercial standards. He said that number is growing and he is a fan of this action tonight even if it is just establishing, not all the funding policies and regulations. He encouraged the Council to pass this as a step towards fulfilling the part of the Mission Statement for a healthy community and thanked them for their service and commitment.

Mr. Charlie Harris said he is fully in support of the ordinance after serving on the Affordable Housing Ad-hoc Committee. He spoke of working for nonprofit for twenty years and the competition for scarce dollars to build and develop affordable housing; those cities contributing something to the cause do much better than those that do not. He discussed leverage and the local ability to match monies to build a fund and that no matter what number is used for the median income they are talking about the bank tellers, school teachers, and almost anyone working in Newberg and at least half of the people who fall below the median would be beneficiaries of this possibility. He said whether it is for better or worse, the land use policies of the State focus on urban city limits and this will help us put more affordable housing here.

Mr. Rick Rogers testified as another member of the Affordable Housing Ad-hoc Committee and stressed this is a great step for the city to attract additional money and address needs not being met currently. He said this is not just for Habitat for Humanity or home ownership, but also for the rental and renovation needs for manufactured homes or smaller based projects that cannot get assistance from rehabilitation programs right now for health, safety, and access issues. He discussed a veteran they are currently working with to rehabilitate for wheelchair access to his bathroom; it took six months to come up with the \$5,000.00 for the project. He strongly encouraged Council to support the trust fund and said it would be a great thing in the future for citizens.

Mr. Hank Grum was determined to be undecided because of concerns the ordinance establishes a vessel and nothing else or a blank check for policies for an unknown future with funding through resolutions where taxpayers have no say. Some of the funding sources could come from donations or private grants which are good, but others are from federal grants which are not good because it comes out of the taxpayers, consumers, and savers pocketbooks and takes away from investments into more productive activities for machinery and land development. Money from Federal loans also takes from the private market or other savers or causes the Federal Reserve to just put more ones and zeros in the bank account, contributing to inflation. He felt when they are discussing looking for money to fund the dispatch call center how can they be looking at something that is not a core function of government, especially when they already recognize this will be a tough sell to the voters. He wondered how much citizens can give and if it was responsible to use someone else's money from the top half of the median to the benefit of only half the people in the lower portion's basic necessities. He said they cannot take care of every problem faced and that he works hard for his basic necessities; the private sector cannot meet the need for low cost housing because things like waiving System Development Charges (SDCs) done in the past contributes to the reasons why it is so expensive to build suitable housing properly.

Mayor Andrews closed the verbal public testimony, but the record would remain open for written testimony only for seven days. No deliberations were held as this was only the first reading. Staff recommended passing the ordinance. The public hearing was closed until March 5, 2012.

VIII. COUNCIL BUSINESS

TIME – 7:57 PM

Mr. Danicic gave updates on the Fire Station project and additional grant funds received from Federal Emergency Management Agency (FEMA). He said staff would be returning for Council authorization to use the funds for other items included on the list of improvements provided previously during the change order discussions.

Councilor Denise Bacon discussed progress with the emergency preparedness program focusing on Spanish-speaking community members and cultural differences in reactions to emergency situations as presented through the League of Oregon Cities (LOC).

Councilor Rierson spoke about the Willamette River Keepers sponsored event in August with a week long paddling camp starting in Harrisburg, OR and ending up in Roger's Landing in Newberg. He mentioned it would be a great opportunity to coordinate with downtown businesses and the Chamber of Commerce and "roll out the red carpet" for the 180 some participants coming town.

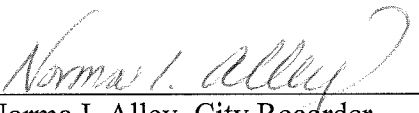
Mayor Andrews gave updates from the Steering Committee about Federal funding towards efforts and publications being produced by the West Coast Electric Highway group focusing on clean cities, electric vehicles, and charging stations throughout Oregon. He also mentioned a new Level 2 charging station recently installed at Walgreens and a Level 3 station anticipated to be coming at the Chevron gas station in town. He also discussed continuing the "Roving Gavel" at the March 5, 2012, meeting; Councilor Howard volunteered to participate.

Councilor McKinney discussed the letter drafted to be signed by the Council and given to the McClure family. He felt because many items would be addressed in the Mr. McClure's letter to be printed in The Newberg Graphic and because Mr. McClure appears to have a clear understanding of where the Council stands, the letter may be unnecessary now. Since the motion on February 3, 2012, was only to draft the letter, that direction was completed.


IX. ADJOURNMENT

The meeting adjourned at 8:17 PM.

ADOPTED by the Newberg City Council this 19th day of March, 2012.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 22nd day of March, 2012.


Bob Andrews, Mayor